



Health Care Availability and Access Committee

**Filed: 3/11/2008**

09500HB5938ham001

LRB095 20022 RLC 48061 a

1 AMENDMENT TO HOUSE BILL 5938

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5938 by deleting  
3 lines 8 through 25 on page 11 and lines 1 through 7 on page 12;  
4 and

5 on page 12, by replacing lines 10 and 11 with the following:  
6 "cards to qualifying patients who submit the following:"; and

7 on page 21, by deleting lines 21 through 25; and

8 on page 22, line 1, by replacing "(b)" with "(a)"; and

9 on page 22, line 8, by replacing "(c)" with "(b)"; and

10 on page 22, by replacing lines 10 and 11 with the following:  
11 "applications, a notarized"; and

12 on page 24, by replacing lines 6 and 7 with the following:

1 "medical marijuana organization. The"; and

2 by replacing lines 17 through 26 on page 25 and lines 1 through  
3 8 on page 26 with the following:

4 "(c) No rule making authority. Notwithstanding any other  
5 rulemaking authority that may exist, neither the Governor nor  
6 any agency or agency head under the jurisdiction of the  
7 Governor has any authority to make or promulgate rules to  
8 implement or enforce the provisions of this Act. If, however,  
9 the Governor believes that rules are necessary to implement or  
10 enforce the provisions of this Act, the Governor may suggest  
11 rules to the General Assembly by filing them with the Clerk of  
12 the House and the Secretary of the Senate and by requesting  
13 that the General Assembly authorize such rulemaking by law,  
14 enact those suggested rules into law, or take any other  
15 appropriate action in the General Assembly's discretion.  
16 Nothing contained in this Act shall be interpreted to grant  
17 rulemaking authority under any other Illinois statute where  
18 such authority is not otherwise explicitly given. For the  
19 purposes of this Act, "rules" is given the meaning contained in  
20 Section 1-70 of the Illinois Administrative Procedure Act, and  
21 "agency" and "agency head" are given the meanings contained in  
22 Sections 1-20 and 1-25 of the Illinois Administrative Procedure  
23 Act to the extent that such definitions apply to agencies or  
24 agency heads under the jurisdiction of the Governor."; and

1 on page 32, by inserting immediately below line 20 the  
2 following:

3 "(3) Notwithstanding any other rulemaking authority that  
4 may exist, neither the Governor nor any agency or agency head  
5 under the jurisdiction of the Governor has any authority to  
6 make or promulgate rules to implement or enforce the provisions  
7 of this amendatory Act of the 95th General Assembly. If,  
8 however, the Governor believes that rules are necessary to  
9 implement or enforce the provisions of this amendatory Act of  
10 the 95th General Assembly, the Governor may suggest rules to  
11 the General Assembly by filing them with the Clerk of the House  
12 and the Secretary of the Senate and by requesting that the  
13 General Assembly authorize such rulemaking by law, enact those  
14 suggested rules into law, or take any other appropriate action  
15 in the General Assembly's discretion. Nothing contained in this  
16 amendatory Act of the 95th General Assembly shall be  
17 interpreted to grant rulemaking authority under any other  
18 Illinois statute where such authority is not otherwise  
19 explicitly given. For the purposes of this Section, "rules" is  
20 given the meaning contained in Section 1-70 of the Illinois  
21 Administrative Procedure Act, and "agency" and "agency head"  
22 are given the meanings contained in Sections 1-20 and 1-25 of  
23 the Illinois Administrative Procedure Act to the extent that  
24 such definitions apply to agencies or agency heads under the  
25 jurisdiction of the Governor."